

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the amendment                    )  
of ARM 10.55.602, 10.55.701,                    )  
10.55.705, and 10.55.907                    )  
relating to accreditation standards            )

NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On February 8, 2007, the Board of Public Education published MAR Notice No. 10-55-243 regarding the public hearing on the proposed amendment of the above-stated rules at page 169 of the 2007 Montana Administrative Register, Issue Number 3.

2. The Board of Public Education has amended ARM 10.55.602, 10.55.701, and 10.55.705 exactly as proposed.

COMMENT 1: Eric Feaver, President of MEA-MFT supports the proposed amendments to ARM 10.55.602 Definitions, 10.55.701 Board of Trustees, 10.55.705 Administrative Personnel: Assignment of School Administrators/ Principals, and 10.55.907 Distance, Online, and Technology Delivered Learning.

COMMENT 2: Dr. Claudette Morton, Executive Director of Montana Small Schools Alliance, Brian Patrick, Superintendent of Townsend Public Schools, and Michael Redburn, Superintendent of Bozeman Public Schools support the proposed amendments to ARM 10.55.602 Definitions, 10.55.701 Board of Trustees, and 10.55.705 Administrative Personnel: Assignment of School Administrators/ Principals.

Response: The board thanks Mr. Feaver, Dr. Morton, Superintendent Patrick, and Superintendent Redburn for their comments.

3. After consideration of the comments received, the Board of Public Education has amended ARM 10.55.907 with the following changes, stricken matter interlined, new matter underlined:

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED  
LEARNING (1) through (3)(a) remain as proposed.

(i) The provisions of (3) and (3)(a) shall not be effective until July 1, 2009.  
(b) through (5)(e) remain as proposed.

COMMENT 3: Darrell Rud, Executive Director, SAM, presented two opposition statements from Dr. Bruce M. Whitehead, Principal of Hellgate Elementary School and Brian Patrick, Superintendent of Townsend Public Schools. Dr. Whitehead believes that the current recommendation of Montana licensure and endorsement of all teachers and/or facilitators is too restrictive. The Distance

Learning Task Force's proposals limit many small rural schools from on-line services from Montana's university system, as well as from many high quality NCATE-approved out-of-state providers. He recommended the following language:

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED LEARNING (3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana and/or endorsed by an NCATE accredited school in the area of instruction ~~taught with such license granted as a result of the completion of a professional educator preparation program accredited by NCATE and/or a state board of education.~~ School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator ~~as provided in this rule assigned~~ for each course and available to the students.

(3)(a) When a teacher of distance, online, and technology delivered learning programs and/or courses ~~is not licensed and endorsed as provided in this rule, does not possess the qualifications specified in (3) above,~~ the facilitator must ~~hold a Montana educator license~~ be licensed and endorsed in Montana and/or endorsed by an NCATE accredited school in the area of instruction facilitated.

Response: The board thanks Dr. Whitehead and Superintendent Patrick for their comments. However, the board believes that teachers providing instruction to Montana students in public schools whether in a traditional classroom or via distance, online, and technology delivered learning must be licensed and endorsed in the area of instruction. Pursuant to 20-4-104, MCA Teacher Certification, all teachers teaching in public schools are required to be licensed and endorsed. In addition, all Montana public schools are required to employ teachers who are licensed and endorsed in the area of instruction to meet Montana's federally approved definition of a highly qualified teacher under the No Child Left Behind Act.

COMMENT 4: Dr. Mary S. Moe, Dean and Chief Executive Officer of MSU-Great Falls, requests that the Board of Public Education reconsider proposed amendments to ARM 10.55.907(3)(a), (b), and (c) so that dual credit/dual enrollment opportunities for Montana students can be preserved in the standards. Dr. Moe states that students who are involved in dual credit/dual enrollment courses are more likely to go on to obtain a higher education and save families money which results in more students likely to complete their higher education. The proposed rule would deny students the continued opportunities for dual credit/dual enrollment courses that are provided online. She believes that the proposed changes have gone too far and provides a barrier for small schools. If the teacher needs to be licensed and endorsed in the area of instruction facilitated, then the school should be providing the course. Dr. Moe continued to stress that this rule is stating that the university personnel are not "qualified" to teach the students at Montana public schools, to which she objects.

COMMENT 5: Dr. Daniel Bingham, CEO and Dean of UM-Helena, supports the opposition of Dr. Moe and believes that these proposed amendments to the rule

diminish asynchronous learning and what it is designed to do. Students who cannot function asynchronously will suffer significantly in higher education. It is a vital skill that students need to obtain. These dual credit/dual enrollment courses are college courses and not high school courses. The instructors who teach them are qualified.

COMMENT 6: Dan Zorn, Assistant Superintendent, Kalispell, presented testimony and written documentation on behalf of himself, Mr. Ivan Lorentzen, Trustee, Kalispell Public Schools, and Ms. Darlene Schottle, Superintendent of Kalispell Public Schools. The most significant concern with this rule change is the precedent it appears to set regarding what is considered an acceptable course to be counted toward Montana high school graduation requirements. If the tenets of this rule were applied to dual credit offerings negotiated through partnerships between K-12 and higher education institutions, the beneficial options currently available to the students at Kalispell Public Schools would be limited. It seems logical that an instructor approved and credentialed to teach at the higher education level would also be suitable as an instructor of high school students, when teaching in their area of expertise. In addition, they believe that this rule could ultimately prevent the schools' ability to accept credits from students previously enrolled in home schools or private schools with teachers who do not have Montana certification. Finally, those representing Kalispell Public Schools believe that the facilitator requirements cause financial concerns for large schools as well as small schools because FTEs are spread too thin and are pulled away from traditionally taught classrooms.

COMMENT 7: Allen Sipes, Superintendent, Columbus Schools presented testimony in opposition to the proposed amendment ARM 10.55.907(3)(a). Included with his testimony is a letter in opposition from Jerry Scott, Director, Alliance for Curriculum Enhancement, and twelve signatures in support of the opposition. It is their belief that the proposed changes will directly affect the opportunities their students will have in taking long distance courses and/or recovery credits. If the schools have a certified teacher present, they would schedule the class and students would not have to take the course via distance learning. The proposed change would eliminate the ability of their schools to use independent studies from such places as North Dakota Independent Study, Pierson Digital Learning, Nova Net, and many others presently in use. It would severely limit the number and times that courses could be offered. Presently, their schools and students can connect to such programs 24 hours a day, 7 days a week. These changes would limit the opportunities for students to take dual credit college courses via distance learning.

COMMENT 8: Dr. Tom Gibson, Director of Distance Learning/Business Development, Montana University System, stated his support of the previous testimony of Dr. Mary S. Moe and Dr. Daniel Bingham in opposition to the proposed amendment ARM 10.55.907(3)(a). Not only does he object to the licensure and endorsement requirement, which excludes delivery by a Montana University System faculty, he also opposes ARM 10.55.907(3)(d) and (5)(c), which address the in-service training and the reporting requirements because it creates an additional burden on the university faculty to prove their qualifications. This rule erects barriers

to the P-20 vision that has become the common nomenclature. The university system has asked itself how to maintain quality and open its doors to more opportunities for students. Essentially the university system has come to the conclusion that its units are regionally accredited. Dr. Gibson asked the Board of Public Education to open its doors to the university system to support the education of Montana K-12 students.

COMMENT 9: Dr. Sheila Stearns, Commissioner of Higher Education, strongly discourages the Montana Board of Public Education from taking action on March 9, 2007. Dr. Stearns believes that these changes would hurt the efforts to connect the university delivery programs with the high school delivery programs. She is unanimous and united in opposition to the amendments of ARM 10.55.907(3)(a), (b), (c), and (5)(c) with Dr. Mary S. Moe, Dr. Daniel Bingham, Dr. Tom Gibson, and Dr. Arlene Parisot.

COMMENT 10: Dr. Bruce Messinger, Superintendent of Helena Public Schools and the Chair of the Executive Committee for the Montana Schools E-Learning Consortium (MSEL), opposes the proposed amendments. Dr. Messinger, representing the MSEL, states that if this rule were to pass as presented it would be extremely problematic because MSEL is not ready to assume the E-Learning responsibility for Montana students in 2007. Dr. Messinger, as Superintendent, states that the Helena Public Schools need more flexibility in course offerings, nature of courses, and packaging of courses. This rule seems to restrict the flexibility that is needed, which could lead to an exodus of students out of the public school system. Montana accepts and graduates students who transfer into the state if they come from an accredited high school from another state. It is not questioned as to the licensure and endorsement of the teachers or the standards taught even if the student comes to Montana the second semester of their senior year.

COMMENT 11: Written comments in opposition to ARM 10.55.907(3) and (3)(a) were received from Dr. Claudette Morton, Executive Director of Montana Small Schools Alliance; Brian Patrick, Superintendent of Townsend Public Schools; Jerry Pauli, Superintendent of Thompson Falls Public Schools; D.K. Brooks, Superintendent and Janet Neault, Distance Learning Supervisor of Willow Creek Public Schools; Kathy Pfister, Musselshell County Superintendent; Michael Redburn, Superintendent of Bozeman Public Schools; Renee Rasmussen, Superintendent of Wibaux Public Schools; Jay Eslick, Superintendent of Chinook Public Schools; Gary Blaz, Superintendent of Eureka Public Schools; Bryan Dunn, Superintendent of Great Falls Public Schools; Tom Rogers, Superintendent of Shelby Public Schools; Dennis Maasjo, Superintendent of Bainville Public Schools; Mary Murphy; Dick Kuntz, Assistant Superintendent, Great Falls Public Schools; Alvin Buerkle, Superintendent of Sweet Grass County High School; Glen Monson, Superintendent of Saco Public Schools; Glen Johnson, Superintendent, Chester-Joplin-Inverness Public Schools; Tim Tharp, Superintendent of Dutton/Brady Public Schools; Lee Phillips, Belt Public Schools; Linda Konesky, Counselor, Centerville Public Schools; Lance Melton, Executive Director, Montana School Boards Association; and Joe

Unterreiner, President, Kalispell Chamber of Commerce, Craig Cummings, Principal of Belgrade High School; and Roger E. Britton, Superintendent of Froid Public Schools.

Response: The board thanks each person for his/her comments regarding ARM 10.55.907. The board understands the issues that have been raised and believes that teachers providing instruction to Montana students in public schools whether in a traditional classroom or via distance, online, and technology delivered learning must be licensed and endorsed in the area of instruction. Pursuant to 20-4-104, MCA, Teacher Certification, all teachers teaching in public schools are required to be licensed and endorsed. In addition, all Montana public schools are required to employ teachers who are licensed and endorsed in the area of instruction to meet Montana's federally approved definition of a highly qualified teacher under the No Child Left Behind Act.

In response to the issue of qualified facilitators, the board believes that instruction of a course is more than knowledge of the content. It is imperative that the facilitator be a licensed and endorsed teacher of the content to ensure that the learning environment and supportive instructional methods are appropriate to the learning situation. If the teacher providing the online content, instruction, and communication is licensed and endorsed in the content area, the receiving learning setting requires a licensed teacher or qualified para-educator to maintain the general learning environment.

In consideration of the comments received, some regarding capacity which could be partially construed as fiscal limitations, the board has determined that this rule should be amended to provide for a delayed implementation date in connection with (3) and (3)(a).

/s/ Patty Myers  
Patty Myers, Chair  
Board of Public Education

/s/ Steve Meloy  
Steve Meloy, Executive Secretary  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State May 14, 2007.